

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>OHIO COAL ASSOCIATION, et al.,</b>	:	Case No.: 2:14-cv-2646
	:	
<b>and</b>	:	Related Case No.: 2:15-cv-448
	:	
<b>MURRAY ENERGY CORPORATION, et al.,</b>	:	JUDGE JAMES L. GRAHAM
	:	
	:	MAGISTRATE JUDGE ELIZABETH P.
Plaintiffs,	:	DEAVERS
	:	
v.	:	
	:	
<b>R. ALEXANDER ACOSTA,<sup>1</sup> SECRETARY OF LABOR, and THE MINE SAFETY AND HEALTH ADMINISTRATION,</b>	:	<b>JOINT STATUS REPORT OF THE PARTIES</b>
	:	
	:	
Defendants.	:	

By order of the Court (ECF No. 80), the parties hereby present their joint status report.

1. On May 9, 2017, this Court entered an Order staying the proceedings in this case for 120 days to allow the parties to pursue settlement discussions. That Stay was extended on September 8, 2017 in an order that required a joint report of the parties be filed by December 8, 2017 if the matter had not been dismissed.

2. During the pendency of the stay, the parties convened a series of regularly scheduled settlement conferences via telephone, attended by counsel for all parties and, in most instances, representatives of the parties in both of the related cases. Counsel for the parties have also communicated via e-mail and telephone throughout the pendency of the stay to exchange information and discuss the parties' respective positions.

---

<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), R. Alexander Acosta, in his official capacity as Secretary of Labor, has been substituted for Thomas E. Perez.

3. On October 19, 2017 the parties conducted an in-person conference between counsel and party representatives at MSHA headquarters in Arlington, VA for the purpose of exploring potential settlement terms.

3. Plaintiffs have made a detailed proposal to MSHA and the parties continue to discuss potential terms of settlement and continue to evaluate whether a mutually agreeable negotiated resolution is possible.

4. To facilitate these ongoing discussions, the parties respectfully request an extension of the current stay for an additional 90 days.

Respectfully submitted,

CHAD A. READLER  
Principal Deputy Assistant Attorney General  
Civil Division

JUDRY L. SUBAR  
Assistant Director  
Federal Programs Branch

BENJAMIN GLASSMAN  
United States Attorney

s/ Kari E. D'Ottavio, by s/ Vladimir P. Belo,  
per authorization

KARI E. D'OTTAVIO  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue, N.W.  
Washington, D.C. 20001  
Tel: (202) 305-0568  
Fax: (202) 616-8470  
[kari.e.dottavio@usdoj.gov](mailto:kari.e.dottavio@usdoj.gov)

*Counsel for Defendants*

s/ Vladimir P. Belo

Vladimir P. Belo (0071334)  
Dinsmore & Shohl LLP  
191 West Nationwide Blvd, Suite 300  
Columbus, Ohio 43215  
Telephone: (614) 628-6935  
Facsimile: (614) 628-6880  
[vladimir.belo@dinsmore.com](mailto:vladimir.belo@dinsmore.com)

Henry Chajet (Pro Hac Vice)  
Avi Meyerstein (Pro Hac Vice)  
HUSCH BLACKWELL LLP  
750 17th Street, NW, Suite 900  
Washington, D.C. 20006  
Telephone: (202) 378-2300  
Facsimile: (202) 378-2319  
Email: [henry.chajet@huschblackwell.com](mailto:henry.chajet@huschblackwell.com)  
Email: [avi.meyerstein@huschblackwell.com](mailto:avi.meyerstein@huschblackwell.com)

*Attorneys for Plaintiffs in*  
*Case No. 2:14-cv-2646*

s/ Vladimir P. Belo

Vladimir P. Belo (0071334)  
Dinsmore & Shohl LLP

191 West Nationwide Blvd, Suite 300  
Columbus, Ohio 43215  
Telephone: (614) 628-6935  
Facsimile: (614) 628-6880  
vladimir.belo@dinsmore.com

Thomas M. Connor (0082462)  
Sarah B. Cameron (0091319)  
Dinsmore & Shohl, LLP  
255 East Fifth Street, Suite 1900  
Cincinnati, Ohio 45202  
Telephone: (513) 977-8301  
Facsimile: (513) 977-8141  
thomas.connor@dinsmore.com  
sarah.cameron@dinsmore.com

*Attorneys for Plaintiffs in  
Case No. 2:15-cv-448*

**Certificate of Service**

A true and accurate copy of the foregoing was electronically filed on December 8, 2017, via the Court's ECF filing system, which automatically serves notice on counsel of record in this action.

s/ Vladimir P. Belo  
Vladimir P. Belo  
(OH 0071334)